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EXAMINER	
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ART UNIT	PAPER NUMBER
2452	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/606,296	HUMPLEMAN ET AL.	
	Examiner	Art Unit	
	PHILIP C. LEE	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/27/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on September 10, 2008.

2. Claims 9-37 are presented for examination and claims 1-8 are canceled.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 101

4. Claims 22-36 are rejected under 35 U.S.C. 101 because "A home network system" comprising a server device and a client device (i.e., software) does not include any functional structure of a system (i.e., an apparatus). An apparatus comprising software is considered as program per se, which is not one of the categories of statutory subject matter.

Claim Rejections – 35 USC 102

5. Claims 9-11 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

6. Venkatraman was cited in the previous office action.

7. As per claim 9, Venkatraman teaches the invention as claimed for a server device (10,

50-52, fig. 2) to communicate with a client device (40, fig. 2) in a home network (fig. 2), comprising the steps of:

(a) sending server device characteristic data (col. 3, lines 34-42) that identify the server device from the server device to the client device in response to the client device transmitting a first request signal generated by said client device and sent to the server device(col. 6, lines 1-5, 10-26) (sending web page 18 that reflect the state of information and control buttons for the device in response to HTTP command from web browser);

(b) receiving a second request signal requesting a web page contained within said server device and associated with a server device control that distinguishes the server device from other server devices(col. 3, lines 43-45; col. 7, lines 15-22; col. 8, lines 39-43), wherein said second request signal is generated in response to said server device characteristic data (col. 7, lines 5-22; col. 8, lines 38-44) (device must receives a HTTP signal corresponding to the selection of a hyperlink on webpage 18 requesting web pages located internal to the device); and

(c) sending said web page in response to said second request signal (col. 7, lines 5-17) (directing browser to other web pages).

8. As per claim 22, Venkatraman teaches the invention as claimed comprising:

a server device coupled to a memory for storing web page files (10, 50-52, fig. 2);

a client device (40, fig. 2) connected to the server device via a home network (fig. 2); and

a control protocol for the server device to communicate with the client device (col. 6, lines 1-5) by:

sending server device characteristic data that identify the server device from the server device to the client device (col. 3, lines 34-42) in response to a first request signal generated

by said client device and sent to the server device (col. 6, lines 1-5, 10-26) (sending web page 18 that reflect the state of information and control buttons for the device in response to HTTP command from web browser);

receiving a second request signal requesting a web page contained within said server device and associated with a server device control that distinguishes the server device from other server devices(col. 3, lines 43-45; col. 7, lines 15-22), wherein said second request signal is generated in response to said server device characteristic data (col. 7, lines 5-22; col. 8, lines 38-44) (device must receives a HTTP signal corresponding to the selection of a hyperlink on webpage 18 requesting web pages located internal to the device); and

sending said web page in response to said second request signal (col. 7, lines 5-17) (directing browser to other web pages).

9. As per claims 10 and 23, Venkatraman teaches the invention as claimed in claims 9 and 22 above. Venkatraman further teach wherein:

step (a) further includes the steps of sending (by the server device) said server device characteristic data to the client device (col. 6, lines 8-12; col. 7, lines 1-7);

step (b) further includes the steps of the client device receiving said server device characteristic data and generating said second request signal in response to said device characteristic data (col. 7, lines 5-17); and

step (c) further includes the steps of sending (by the server device) the web page to the client device in response to said second request signal (col. 7, lines 5-17).

10. As per claims 11 and 24, Venkatraman teaches the invention as claimed in claims 9 and 22 above. Venkatraman further teach wherein the server device comprises a home device (col. 3, lines 53-56) and includes at least one controllable function (col. 8, lines 1-4).

Claim Rejections – 35 USC 103

11. Claims 12-17, 25-30, 34, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Eyer et al , U.S. Patent 5,982,445 (hereinafter Eyer).

12. Eyer was cited in the previous office action.

13. As per claims 12 and 25, Venkatraman teaches the invention as claimed in claims 11 and 24 above. Venkatraman does not specifically teach menu for selecting server device among a plurality of server devices. Eyer teaches creating a menu (fig. 5) for selecting said server device among a plurality of server devices to activate said controllable function (col. 12, lines 31-35); and

displaying said menu on a browser based device (col. 12, lines 28-30; col. 4, lines 21-40; col. 1, lines 25-31).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Eyer because Eyer's teaching of menu for selecting server device among a plurality of server devices would increase the

efficiency of Venkatraman's system by allowing one interface for controlling a plurality of devices instead of plurality of separate interface for each of the devices.

15. As per claims 13 and 26, Venkatraman and Eyer teach the invention substantially as claimed in claims 12 and 25 above. Venkatraman and Eyer further teach wherein said menu comprises a first web page including at least one hypertext link to a second web page (see Eyer, col. 13, lines 23-31) contained within said server device (see Venkatraman, col. 3, lines 43-45; col. 8, lines 39-43).

16. As per claims 14 and 27, Venkatraman and Eyer teach the invention substantially as claimed in claims 13 and 25 above. Venkatraman and Eyer further teach the step of creating the menu further includes the steps of: (i) creating a device link page (see Eyer, fig. 5) from the home network, wherein the device link page includes at least one device control for each of the plurality of server devices (see Eyer, col. 12, lines 23-27), and (ii) associating a hypertext link with each device control, wherein the hypertext link provides a link to at least one type of graphical and textual information contained in the server device (see Venkatraman, col. 8, lines 39-43) and associated with the device control (see Eyer, col. 13, lines 23-31); and
the steps of displaying said menu includes the steps of displaying said device link page (see Eyer, col. 12, lines 28-30; col. 4, lines 21-40; col. 1, lines 25-31).

17. As per claims 15 and 28, Venkatraman and Eyer teach the invention substantially as claimed in claims 14 and 27 above. Venkatraman further teach said device link page comprises

a first web page or a first html page including at least one hypertext link to a second web page or a second html page contained within said server device (col. 3, lines 43-45; col. 8, lines 39-43).

18. As per claims 16 and 29, Venkatraman and Eyer teach the invention substantially as claimed in claims 14 and 27 above. Eyer further teach generating a device link file, wherein the device link file identifies the plurality of server devices (col. 12, lines 31-35); and
creating the device link page including said device control associated with the plurality of server devices identified in the device link file (col. 12, lines 31-35).

19. As per claims 17 and 30, Venkatraman and Eyer teach the invention substantially as claimed in claims 16 and 29 above. Venkatraman further teach associating a logical device name with the server device (col. 6, line 39; col. 7, lines 1-4); and
storing the logical device name in the device link file (col. 6, line 39; col. 7, lines 1-4).

20. As per claim 34, Venkatraman and Eyer teach the invention substantially as claimed in claim 25 above. Venkatraman further teach the menu generator is a component of the client device (col. 6, lines 57-59).

21. As per claim 35, Venkatraman and Eyer teach the invention substantially as claimed in claim 25 above. Venkatraman further teach the browser is a component of the client device (col. 6, lines 57-59).

22. As per claim 36, Venkatraman and Eyer teach the invention substantially as claimed in claim 25 above. Venkatraman further teach the client device includes said browser based device (col. 6, lines 57-59) (client device including the browser).

23. Claims 20, 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Armstrong et al, U.S. Patent 5,432,789 (hereinafter Armstrong).

24. Armstrong was cited in the previous office action.

25. As per claim 20, Venkatraman teaches the invention as claimed in claim 11 above. Although Venkatraman teaches server device connected to the home network (fig. 2), however, Venkatraman does not teach detecting server device. Armstrong teaches the steps of detecting that the server device is currently connected to the network (abstract).

26. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Armstrong because Armstrong's teaching of detecting server device would allow client device in Venkatraman's system to automatically determine the topology of the network with connected server devices.

27. As per claims 21 and 33, Venkatraman teach the invention as claimed in claims 11 and 22 above. Although Venkatraman teaches server device connected to the home network (fig. 2),

however, Venkatraman does not teach detecting server device. Armstrong teaches the steps of detecting an active status of the server device currently connected to the network (abstract).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Armstrong because Armstrong's teaching of detecting server device would allow client device in Venkatraman's system to automatically determine the topology of the network with connected server devices.

29. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Arndt et al , U.S. Patent 5,724,510 (hereinafter Arndt).

30. As per claim 37, Venkatraman teaches the invention as claimed in claim 9 above. Venkatraman teach an IP address is generated upon device being powered on. Arndt teaches upon a device being powered on a unique IP address for said device is generated (col. 2, lines 13-16).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Arndt because Arndt's teaching of an IP address is generated upon device being powered on would allow server device in Venkatraman's system to obtain a unique IP address in order to properly function in the network.

32. Claims 18-19 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Eyer in view of Chang et al, U.S. Patent 5,974,449 (hereinafter Chang).

33. Chang was cited in the previous office action.

34. As per claims 18 and 31, Venkatraman and Eyer teach the invention substantially as claimed in claims 17 and 29 above. Although Venkatraman further teach retrieving a logical device name from the device link file (col. 6, line 39, e.g., Printer Name>Portdv9); and storing the logical device name in the device link page (col. 6, lines 56-59) (retrieving the Printer Name from the HTML file in order to render the displayed web page with stored Printer name shown in 64, fig. 3), however, Venkatraman and Eyer do not teach converting the logical device name to a device control. Chang teaches converting the logical device name to the device control (col. 8, line 49-col. 9, line 3) (converting server sf_cp to a "play" command: http:H/sf_cp.com/jdoe/play).

35. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman, Eyer and Chang because Chang's teaching of converting the logical device name to a device control would allow a user in Venkatraman's and Eyer's systems to command a remote device over a network.

36. As per claims 19 and 32, Venkatraman, Eyer and Chang teach the invention substantially as claimed in claims 18 and 31 above. Venkatraman further teach said device link page

comprises a first web page or a first html page including at least one hypertext link to a second web page or a second html page contained within said server device (col. 3, lines 43-45; col. 8, lines 39-43).

37. Applicant's arguments with respect to claims 9-37, filed 09/10/08, have been fully considered but they are not persuasive.

38. In the remark, applicant argued that:

(1) Claim 22 include the limitations of "a server device coupled to a memory" contains statutory subjection matter.

(2) Venkatraman fails to teach sending server device characteristic data from the server device to the client device in response to the client device transmitting a first request signal generated by said client device to the server device.

(3) Venkatraman fails to teach server device control.

(4) Venkatraman fails to teach sending a web page in response to second request signal generated by the client device.

(5) Venkatraman fails to teach home device.

(6) Venkatraman fails to teach upon said server device being powered on a unique IP address for said server device is generated.

(7) Venkatraman fails to teach all of the claimed limitations of the based claims 9 or 22. Thus, Venkatraman and Eyer, whether considered

separately or in combination, fail to teach all of the claimed limitations of dependent claims 12-17, 25-30, 34, 35 and 36.

(8) There is no motivation to combine Venkatraman and Eyer.

(9) Eyer fails to teach generating a device link file, wherein the device link file identifies the plurality of server devices; and creating the device link page including said device controls associated with the plurality of server devices identified in the device link file as claimed.

(10) Venkatraman fails to teach sending server device characteristic data that identify the server device from the server device to the client device in response to the client device transmitting a first request signal generated by said client device and sent to the server device; receiving a second request signal requesting a web page contained within said server device and associated with a server control that distinguishes the server device from other server devices, wherein said second request signal is generated in response to said server device characteristic data; and sending said web page in response to said second request signal.

(11) Armstrong fails to teach the device link page as claimed in claims 20, 21 and 33.

(12) There is no motivation to combine Venkatraman, Eyer and Chang.

39. In response to point (1), as stated in the previous office action, according to page 23, line 17 of the specification, a number of software agents are (i.e., software per se) representing

devices. Based on the teaching of the specification, claims 22-36 are rejected under 35 U.S.C. 101 because "A home network system" comprising a server device and a client device (i.e., software) does not include any functional structure (hardware structure) of a system (i.e., an apparatus). An apparatus comprising software is considered as program per se, which is not one of the categories of statutory subject matter. In response to the amended limitation of "a server device coupled to a memory for storing web page files", the "memory" is not an element of the claimed system, but instead is, for use with the claimed system. Accordingly, the rejection is maintained.

40. In response to point (2), Venkatraman teaches sending information pertaining to the device specific hardware (server device characteristic data that identify the server device 10, e.g., webpage 18 of fig. 3) from device 10 (i.e., server device) to the web browser 40 (client device) in response to the web browser sending a HTTP command generated by the web browser (in response to the client device transmitting a first signal generated by the client device) (col. 6, lines 13-22).

41. In response to points (3) and (4), as explained in point (2) above, Venkatraman teaches sending the webpage 18 associated with server characteristic data to the client device. Venkatraman further teach the web page 18 contain a set of URL that controls a set of predetermined functions for the device (e.g., device 10) (i.e., server device controls) (col. 8, lines 39-43). The set of URL allow a user to generate request signal (HTTP command) to request a web page contained within the server device (device 10) (col. 8, lines 39-43).

42. In response to point (5), Venkatraman teaches the device 10 (server device) can be home entertainment device (i.e., home device) (col. 5, lines 16-17).

43. In response to point (6), applicant's argument is moot in view of new ground of rejection.

44. In response to points (7), as stated in the rejections of claims 9 and 22 and the response to argument above, Venkatraman teaches all claim limitations of claims 9 and 22. Thus, Venkatraman and Eyer teach all the claimed limitations of dependent claims 12-17, 25-30 and 34-36.

45. In response to point (8), because both Venkatraman and Eyer teach similar method of communication via functions on a webpage, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use known technique of a menu for selecting said server device among a plurality of server devices to activate said controllable function in Eyer's system to improve similar method of communication via functions on a web page in Venkatraman's system the same way. By using the known technique of a menu for selecting said server device among a plurality of server devices to activate said controllable function, it would provide Venkatraman's system with one interface for controlling a plurality of devices instead of plurality of separate interface for each of the devices. The rationales as explained above are in accordance with the *KSR International Co. v. Teleflex Inc.* decision.

46. In response to points (9) and (11), Eyer teaches creating a HTML/HTVP web page on a display screen including function call buttons associated with various server devices (fig.5; col. 12, lines 20-35, e.g., devices such as TV, home system) (i.e., creating a device line page). The HTML/HTVP web page is created based on HTML/HTVP file (col. 8, lines 1-11). This means the HTML/HTVP file (device link file) must identifies the plurality of devices (e.g., TV, home system) in order to create the HTML/HTVP web page on the screen with controls of various server devices.

47. In response to point (10), Venkatraman teaches sending information pertaining to the device specific hardware (server device characteristic data that identify the server device 10, e.g., webpage 18 of fig. 3) from device 10 (i.e., server device) to the web browser 40 (client device) in response to the web browser sending a HTTP command generated by the web browser (in response to the client device transmitting a first signal generated by the client device) (col. 6, lines 13-22). Venkatraman further teach the web page 18 contain a set of URL that controls a set of predetermined functions for the device (e.g., device 10) (i.e., server device controls) (col. 8, lines 39-43). The set of URL allow a user to generate and to send a request signal (second HTTP command) to the device 10 request a web page contained within the server device (device 10) (col. 8, lines 39-43). This means that the web page that controls predetermined functions for device 10 distinguishes web page that control functions for other devices.

48. In response to point (12), because Venkatraman, Eyer and Chang teach similar method of communication via functions on a webpage, it would have been obvious to one having ordinary

skill in the art at the time of the invention was made to use known technique of converting the logical device name to the device control in Chang's system to improve similar method of communication via functions on a web page in Venkatraman's and Eyer's systems the same way. By using the known technique of converting the logical device name to the device control, it would allow user in Venkatraman's and Eyer's systems to command a remote device over a network. The rationales as explained above are in accordance with the *KSR International Co. v. Teleflex Inc.* decision.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2452